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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,771	09/26/2003	Shaobo Wang	2003P04918US01	9712

7590
Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

11/15/2007

EXAMINER

WONG, BLANCHE

ART UNIT	PAPER NUMBER
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2619

MAIL DATE	DELIVERY MODE
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11/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/672,771	WANG ET AL.	
	Examiner	Art Unit	
	Blanche Wong	2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 August 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 and 10-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7 and 10-22 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 August 2007 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

2. The drawings are objected to because Fig. 3 lacks descriptive labeling.

Specification

3. With regard to the amendments to the Specification in Response to Office Action, dated August 30, 2007, Examiner suggests including marker "105" after "a subscriber data processing system" in the amended verbiage "between a subscriber data processing system and a content-provider data processing system 145 comprises" to read "between a subscriber data processing system 105 and a content-provider data processing system 145 comprises" for clarity and consistency.

4. The disclosure is objected to because of the following informalities:

On p. 5, para. 2, "BRAS 115" should be replaced with "BRAS 125".

On p. 8, para. 1, line 10, "the list of available serves" should be replaced with "the list of available services".

On p. 8, para. 1, line 10, "the data processing system 105" should be replaced with "the subscriber data processing system 105" in consistent with the rest of the paragraph and Specification.

On p. 8, para. 1, line 12, "the list of services" should be replaced with "the list of available services" in consistent with the rest of the paragraph and Specification.

Appropriate correction is required.

Claim Objections

5. Claim 16 is objected to because of the following informalities:

With regard to claim 16, Examiner suggests replacing "proxy server" in lines 12 and 15 with "proxy signal server" in consistent with other claim language.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. **Claims 1-7,10-17,18,20-22** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

With regard to claim 1, claim limitation recites "said bandwidth-on-demand session creates one or more switched virtual circuits (SVCs) between said subscriber data processing system and said content-provider data processing system". However,

Specification does not disclose SVCs. Specification on p.6, para. 3, discloses “[i]f a subscriber wants to initiate a BoD session, the subscriber directs the client-side application 107 to initiate the session. In response, the client-side application 107 sends a request to the connection-management application 142 … The connection-management application 142 then communicates on behalf of the subscriber … to create one or more dynamic VCs to supplement the subscriber's default connection.” Specification discloses dynamic VCs but not SVCs. That is, SVCs are dynamic VCs because SVCs is established only when data must be transferred across a network, but dynamic VCs are not necessary SVCs.

With regard to claim 10, claim limitation discloses “to request a bandwidth-on-demand session after said receive, and for transmitting information to said proxy signaling server in response to said request”. However, Specification does not disclose “after said receive” and “in response to said request”. Specification on p.8, para. 1, discloses “[a]fter the subscriber receives the list of available services, the subscriber data processing system 105 sends a Service AdvertisingCfm message to the proxy server 140 to acknowledge receipt of the Service Advertise message.” Specification discloses after the receipt of the Service Advertise message, not the receipt of service advertising information due to said login. Specification further discloses in response to receipt of the list of available services.

With regard to claim 10, amended claim limitation discloses “providing service advertising information to said client-side application due to said login”. However, Specification does not disclose “providing service advertising information to said client-

side application due to said login". Specification on p.8, para. 1, discloses "[a]fter the subscriber receives the list of available services, the subscriber data processing system 105 sends a Service AdvertisingCfm message to the proxy server 140 to acknowledge receipt of the Service Advertise message." Specification discloses "providing service advertising information to said subscriber due to said login".

With regard to claim 16, claim limitation discloses "initiate a bandwidth-on-demand session after said receive". However, Specification does not disclose "after said receive". Specification on p.8, para. 1, discloses "[a]fter the subscriber receives the list of available services, the subscriber data processing system 105 sends a Service AdvertisingCfm message to the proxy server 140 to acknowledge receipt of the Service Advertise message." Specification discloses after the receipt of the Service Advertise message, not the receipt of service advertising information due to said login.

With regard to claim 17, new claim limitation discloses "wherein initiating said bandwidth-on-demand session is in response to said providing of said service advertising information". However, Specification does not disclose in response to said providing of said service advertising information. Specification on p.8, para. 1, discloses "[a]fter the subscriber receives the list of available services, the subscriber data processing system 105 sends a Service AdvertisingCfm message to the proxy server 140 to acknowledge receipt of the Service Advertise message." Specification discloses an initiating step in response to login/advertising completion. An initiating step might follow an login and advertising steps, but only in response to the completion of these steps.

With regard to claim 18, new claim limitation discloses "updating a route table".

However, nowhere in the Specification discloses a step of "updating a route table".

8. **Claims 1-7,17,18** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 1, it is unclear what is meant by "via said subscriber" or whether Applicant means initiating a bandwidth-on-demand session by a subscriber. (Specification on p.6, para. 3, discloses "[i]f a subscriber wants to initiate a BoD session, the subscriber directs the client-side application 107 to initiate the session".)

9. There is insufficient antecedent basis for this limitation in the claim.

Claim 1, line 6, "said subscriber".

Claim Rejections - 35 USC § 103

10. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

11. **Claim 1** is rejected under 35 U.S.C. 103(a) as being unpatentable over LaCost et al. (U.S. Pat No. 6,453,317) in view of Sreedharan et al. (Pub No. US 2002/0057700).

With regard to claim 1, LaCost discloses a method of providing bandwidth on demand comprising:

establishing a default connection (**a dedicated connection, col. 6, line 5**) between a subscriber data processing system (**customer facilities**) and a content-provider data processing system (**servers**) (**establish a communications link between customer facilities and servers, col. 5, line 67-col. 6, line 1**); and initiating a bandwidth-on-demand session (**to add a single route**) by a subscriber (**customer**), said bandwidth-on-demand session creates one or more switched virtual circuits (SVCs) between said subscriber data processing system and said content-provider data processing system to supplement (**e.g. to support hyperstream frame relay connection**) the bandwidth of said default connection (**A customer would have to add a single route ... to support hyperstream frame relay facilities, col. 6, lines 11-13**).

However, LaCost fails to explicitly show a default connection comprising an asynchronous transfer mode (ATM) permanent virtual circuit (PVC); a bandwidth-on-demand session that creates one or more switched virtual circuits (SVCs); and ending said bandwidth-on-demand session by terminating said one or more SVCs.

Sreedharan discloses a default connection (**a dedicated line**) comprising an asynchronous transfer mode (ATM) permanent virtual circuit (PVC) (**PVC**) (**A PVC connection is a virtual circuit that provides the equivalent of a dedicated line ... between two endpoints, para. [0029]**) (**See Also “if a frame relay user attempts to exchange data ... a tunneling PVC ... through ATM switch”, para. [0034]**); a

bandwidth-on-demand session that creates one or more switched virtual circuits (SVCs) (**SVC**) (“**In contrast to a PVC connection, a switched virtual circuit (SVC) connection is a virtual circuit that is established only when data must be transferred across a network**”, para. [0030]); and ending (**broken down**) said bandwidth-on-demand session by terminating said one or more SVCs (**SVC connection**) (“**An SVC connection lasts only as long as the data transferred and is broken down as soon as the transfer is complete**”, para. [0030]).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine a default connection comprising an asynchronous transfer mode (ATM) permanent virtual circuit (PVC); a bandwidth-on-demand session that creates one or more switched virtual circuits (SVCs); and ending said bandwidth-on-demand session by terminating said one or more SVCs, as taught in Sreedharan, with LaCost to provide for communication and additional bandwidth between two endpoints.

12. **Claims 2-7** are rejected under 35 U.S.C. 103(a) as being unpatentable over LaCost and Sreedharan as applied to claim 1 above, and further in view of Cunetto et al. (Pub No. US 2002/0024954).

With regard to claim 2, the combination of LaCost and Sreedharan discloses the method of claim 1. However, the combination fails to explicitly show a step of initiating a bandwidth-on-demand session comprises sending a message from said subscriber

data processing system to a proxy signaling server comprising information related to said bandwidth-on-demand session and in response to said message, sending a message from said proxy signaling server to an ATM edge device to create one or more SVCs between said subscriber data processing system and said content-provider data processing system.

Cunetto discloses an initiating step comprises sending a message (**setup request**) from said subscriber data processing system (**calling party**) to a proxy signaling server (**service controller**) (**an SVC call establishment ... a calling party (SVC service customer) ... sending a ... setup request to the service controller via the edge switch ..., para. [0078]**) (**See Also step 51 in Fig. 3**) comprising information (**the subscribers' service features and limits, and access rights and limits, para. [0078]**) related to said bandwidth-on-demand session and in response to said message, sending a message (**proxy setup request**) from said proxy signaling server (**service controller**) to an ATM edge device (**ATM edge switch**) (**the SVC service controller 13 then sends a ... proxy setup request to the ATM edge switch, para. [0079]**) (**See Also step 53 in Fig. 3**) to create one or more SVCs (**SVC is established, para. [0083]**).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine a initiating step comprises sending a message from said subscriber data processing system to a proxy signaling server comprising information related to said bandwidth-on-demand session and in response to said message, sending a message from said proxy signaling server to an ATM edge device to create

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one or more SVCs, as taught in Cunetto, with LaCost and Sreedharan, to provide for call control for ATM SVC signaling.

With regard to claim 3, the combination of LaCost, Sreedharan and Cunetto discloses the method of claim 2.

Cunetto further discloses data for authenticating said subscriber (**access right**) (**the subscribers' service features and limits, and access rights and limits, para. [0078]**).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine data for authenticating said subscriber, as taught in Cunetto, with LaCost and Sreedharan, to provide for call control for ATM SVC signaling.

With regard to claim 4, the combination of LaCost, Sreedharan and Cunetto discloses the method of claim 2.

Cunetto further discloses UNI signals (**UNI**) (**UNI setup request, para. [0078]** and **UNI proxy setup request, para. [0079]**).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine UNI signals, as taught in Cunetto, with LaCost and Sreedharan, to employ defined service signaling mechanism for ATM SVC services and to support standard end systems that use ATM UNI signaling. Cunetto, para. [0068].

With regard to claim 5, the combination of LaCost, Sreedharan and Cunetto discloses the method of claim 2.

The combination does not explicitly show an ending step comprises sending a message from said subscriber data processing system to a proxy signaling server comprising an instruction to end said bandwidth-on-demand session and, in response to said message, sending a message from said proxy signaling server to an ATM edge device to terminate said one or more SVCs.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to reverse the initiating step in claim 2 to provide for the ending step in claim 5. The suggestion/motivation for doing so would have been to complete call control for ATM SVC signaling. Therefore, it would have been obvious to combine an ending step comprises sending a message from said subscriber data processing system to a proxy signaling server comprising an instruction to end said bandwidth-on-demand session and, in response to said message, sending a message from said proxy signaling server to an ATM edge device to terminate said one or more SVCs with LaCost, Sreedharan and Cunetto, for the benefit of call control for ATM SVC signaling, to obtain the invention as specified in claim 5.

With regard to claim 6, the combination of LaCost, Sreedharan and Cunetto discloses the method of claim 2.

Cunetto further discloses said ATM edge device comprises an ATM switch (**edge switch in para. [0078] and ATM edge switch in para. [0079]**) (See *Also* edge switch in Fig. 2 and 3).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine an ATM edge switch, as taught in Cunetto, with LaCost and Sreedharan, to provide for call control for ATM SVC signaling.

With regard to claim 7, the combination of LaCost, Sreedharan and Cunetto discloses the method of claim 6.

Cunetto further discloses a client-side application (**the subscriber's application, para. [0101]**).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine a client-side application, as taught in Cunetto, with LaCost and Sreedharan, to provide for call control for ATM SVC signaling.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blanche Wong whose telephone number is 571-272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

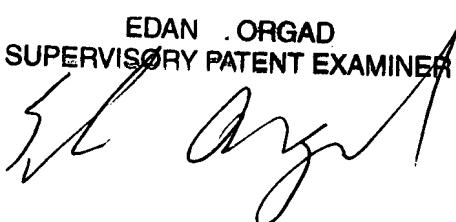
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 571-272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

bw

BW
November 5, 2007

EDAN . ORGAD
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to read "Edan Orgad".